

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** By Vice-Chairman Ron Stoker, on April 3, 2007 at 8:03 A.M., in Room 137 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Diane Rice, Chairman (R)  
Rep. Dave Gallik, Vice Chairman (D)  
Rep. Ron Stoker, Vice Chairman (R)  
Rep. Douglas Cordier (D)  
Rep. Robyn Driscoll (D)  
Rep. Bob Ebinger (D)  
Rep. George Everett (R)  
Rep. Julie French (D)  
Rep. Rick Jore (C)  
Rep. Krayton Kerns (R)  
Rep. Roger Koopman (R)  
Rep. Deborah Kottel (D)  
Rep. Tom McGillvray (R)  
Rep. Jesse O'Hara (R)  
Rep. Ken Peterson (R)  
Rep. Holly Raser (D)  
Rep. John Ward (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** David Niss, Legislative Branch  
Pam Schindler, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: None  
Executive Action: SB 404, SB 49, SB 96, SB 110, SB  
254, SB 326, SB 393, SB 424, SB  
433, SB 437, SB 125, SB 142, SB 337

**EXECUTIVE ACTION ON SB 404**

00:01:02 Vice-Chair Stoker

00:02:19 **Motion:** Rep. Ward moved that **SB 404 BE CONCURRED IN.**

00:02:35 **Motion:** Rep. French moved that **SB 404 BE AMENDED.**  
**EXHIBIT(juh71a01)**

00:03:38 **Vote:** Motion that **SB 404 BE AMENDED** carried  
unanimously by voice vote. Reps. Koopman, Rice,  
McGillvray, O'Hara, Jore voted by proxy.

00:05:25 **Motion:** Rep. Ward moved that **SB 404 BE CONCURRED IN AS**  
**AMENDED.**

00:05:42 **Motion:** Rep. Ebinger moved that **SB 404 BE AMENDED.**  
**EXHIBIT(juh71a02)**

**Discussion:**

00:06:03 Rep. Stoker  
00:06:36 David Niss, Legislative Services  
00:08:18 Rep. Raser  
00:09:13 Rep. Peterson  
00:10:44 Rep. Stoker  
00:11:45 Rep. Kottel  
00:12:30 Rep. Raser  
00:12:58 Rep. Peterson  
00:14:02 Rep. Stoker

00:14:13 **Vote:** Motion that **SB 404 BE AMENDED** carried 11-6 by  
voice vote with Reps. Everett, Koopman, Jore, Rice,  
McGillvray, Peterson voting no. Reps. Jore, Rice and  
Koopman voting by proxy.

00:15:17 **Motion:** Rep. Ward moved that **SB 404 BE CONCURRED IN AS**  
**AMENDED.**

**Discussion:**

00:15:37 Rep. Cordier  
00:16:26 Rep. Peterson  
00:17:13 Rep. Everett  
00:17:36 Rep. Peterson  
00:18:31 Rep. Gallik  
00:20:14 Rep. Kottel  
00:21:22 Rep. O'Hara  
00:22:29 Rep. Peterson

00:23:44 Rep. Ebinger  
00:24:36 Rep. Cordier  
00:25:16 Rep. Everett

00:25:42 **Vote:** Motion that **SB 404 BE CONCURRED IN AS AMENDED** carried 11-6 by roll call vote with Reps. Gallik, Everett, Koopman, Kerns, Driscoll, and Jore voting no. Reps. Koopman and Rice voted by proxy. Rep. Stoker to carry on House Floor.

**EXECUTIVE ACTION ON SB 49**

00:27:50 **Motion:** Rep. Kottel moved that **SB 49 BE CONCURRED IN.**

00:28:07 **Motion:** Rep. Kottel moved that **SB 49 BE AMENDED.**  
**EXHIBIT(juh71a03)**

**Discussion:**

00:28:40 Rep. Kottel  
00:31:05 Rep. Raser  
00:31:56 Rep. Kottel  
00:32:48 Rep. Cordier  
00:33:33 Rep. Kottel  
00:34:17 Rep. Peterson  
00:35:20 Rep. Cordier  
00:37:06 Rep. Raser  
00:38:12 Rep. Ward  
00:38:50 Rep. Gallik  
00:39:53 Rep. Kottel  
00:42:13 Mr. Niss  
00:42:30 Rep. Peterson  
00:43:47 Rep. Raser

00:46:32 **Vote:** Motion that **SB 49 BE AMENDED** carried by roll call vote 13-4 with Reps. Gallik, French, Raser and Driscoll voting no. Reps. McGillvray, Rice and Koopman voted by proxy.

00:47:52 **Motion:** Rep. Ward moved that **SB 49 BE CONCURRED IN AS AMENDED.**

00:47:58 **Motion:** Rep. Gallik moved that **SB 49 BE AMENDED** with amendment from hearing 3/12/07. (See Exhibit 21)

00:48:02 **Substitute Motion:** Rep. Gallik made a substitute motion **TO SEGREGATE PARAGRAPHS 9 and 10 FROM AMENDMENT.**

**Discussion:**

00:48:42 **Vote:** Motion to **SEGREGATE PARAGRAPHS 9 AND 10 FROM AMENDMENT** carried unanimously by voice vote. Reps. Jore, Rice, McGillvray and Koopman voted by proxy.

**Discussion:**

00:49:05 Rep. Gallik

00:55:25 **Substitute Motion:** Rep. Kottel moved **TO SEGREGATE PARAGRAPHS 5 AND 20 FROM AMENDMENT.**

00:57:50 **Vote:** Motion to **SEGREGATE PARAGRAPHS 5 AND 20 FROM AMENDMENT** carried unanimously by voice vote. Reps. Jore, Koopman, McGillvray, and Rice voted by proxy.

00:58:36 Rep. Stoker

00:58:47 Rep. Ward

**Discussion:**

00:59:18 Rep. Kottel

01:00:08 Rep. Stoker

01:00:48 Mr. Niss

01:02:43 Rep. Stoker

01:03:19 Rep. Gallik

01:03:59 Rep. Raser

01:04:55 Rep. Gallik

01:06:00 Rep. Kottel withdrew Substitute Motion.

01:06:38 **Substitute Motion:** Rep. Kottel made a substitute motion to **SEGREGATE 5 THROUGH 31 FROM AMENDMENT.**

**Discussion:**

01:06:40 Rep. Kottel

01:07:59 **Vote:** Motion to **SEGREGATE PARAGRAPHS 1-4 FROM AMENDMENT** carried 16-1 with Rep. Gallik voting no. Reps. Jore, McGillvray, Rice and Koopman voted by proxy.

01:08:56 Rep. Gallik

**Discussion:**

01:09:59 Rep. Kottel

01:10:22 Rep. O'Hara

01:10:49 Rep. Gallik

01:12:50 **Vote:** Motion to adopt **SEGREGATED PARAGRAPHS 1-4** carried unanimously by voice vote. Reps. Jore, McGillvray, Rice and Koopman voted by proxy.

01:13:18 **Motion:** Rep. Raser moved that **SB 49 BE CONCURRED IN AS AMENDED.**

**Discussion:**

01:13:37 **Motion:** Rep. Raser moved to **SEGREGATE PARAGRAPHS 6-8 and 11-19.**

01:15:53 **Vote:** Motion to **SEGREGATE PARAGRAPHS 6-8 and 11-19** carried unanimously by voice vote. Reps. Jore, McGillvray, Rice and Koopman voted by proxy.

**Discussion:**

01:16:22 Rep. Raser

01:17:19 **Vote:** Motion to adopt **SEGREGATED PARAGRAPHS 6-8 and 11-19** unanimously by voice vote. Reps. Jore, McGillvray, Rice and Koopman voted by proxy.

01:17:36 **Motion:** Rep. Ward moved that **SB 49 BE CONCURRED IN AS AMENDED.**

**Discussion:**

01:17:59 Rep. Raser

01:18:43 Rep. Stoker

01:19:01 Rep. Gallik

01:19:20 Rep. French

01:20:08 Rep. Peterson

01:20:13 **Motion:** Rep. Raser moved that **SB 49 BE AMENDED.**  
[\*\*EXHIBIT\(juh71a04\)\*\*](#)

**Discussion:**

01:21:24 Rep. Raser

01:21:37 Rep. Peterson

01:22:01 **Vote:** Motion that **SB 49 BE AMENDED** carried unanimously by voice vote. Reps. Jore, McGillvray, Rice and Koopman voted by proxy.

01:22:15 **Motion:** Rep. Ward moved that **SB 49 BE CONCURRED IN AS AMENDED.**

01:22:28 **Vote:** Motion that **SB 49 BE CONCURRED IN AS AMENDED** carried 16-1 by voice vote with Rep. Raser voting no. Reps. Jore, McGillvray, Rice and Koopman voted by proxy. Rep. Kottel to carry on House Floor.

01:22:59 Break

01:36:19 Reconvene

#### **EXECUTIVE ACTION ON SB 96**

01:36:43 **Motion:** Rep. Ward moved that **SB 96 BE CONCURRED IN.**

#### **Discussion:**

01:37:02 Mr. Niss

01:37:18 **Motion:** Rep. Rice moved that **SB 96 BE AMENDED** with amendment from hearing 3/20/07.

#### **Discussion:**

01:37:31 Mr. Niss

01:38:08 **Vote:** Motion that **SB 96 BE AMENDED** with amendment from previous hearing carried unanimously by voice vote. Reps. Jore and McGillvray voted by proxy.

01:38:21 **Motion:** Rep. Everett moved that **SB 96 BE CONCURRED IN AS AMENDED.**

01:38:47 **Motion:** Rep. Everett moved that **SB 96 BE AMENDED.**  
[EXHIBIT\(juh71a05\)](#)

#### **Discussion:**

01:39:10 Rep. Everett

01:42:39 Mr. Niss

01:45:16 Rep. Kottel

01:46:13 Rep. Everett

01:48:48 Mr. Niss

01:50:41 Rep. Raser

01:51:09 Rep. Everett  
01:51:27 Rep. Peterson  
01:52:43 Rep. Gallik  
01:56:17 Rep. Rice  
01:56:31 Rep. Koopman

01:57:49 **Vote:** Motion that **SB 96 BE AMENDED** carried 9-8 by roll call vote. Reps. Jore and McGillvray voted by proxy.

01:58:48 **Motion:** Rep. Stoker moved that **SB 96 BE CONCURRED IN AS AMENDED.**

01:59:03 Rep. French

01:59:16 **Motion:** Rep. Stoker moved that **SB 96 BE AMENDED.**

**EXHIBIT**(juh71a06)

**Discussion:**

02:00:04 Rep. Stoker  
02:01:02 Rep. Peterson  
02:01:24 Rep. Stoker  
02:01:46 Rep. French  
02:01:56 Rep. Gallik  
02:03:07 Rep. Stoker

02:03:22 **Substitute Motion:** Rep. Stoker made a substitute motion that **SB 96 BE AMENDED TO ADD "BUSINESS" AFTER 10 AND BEFORE DAYS.**

02:03:57 **Vote:** Motion that **SB 96 BE AMENDED** carried 9-8 by roll call vote with Reps. Gallik, French, Raser, Cordier, Driscoll, Peterson, Kottel, and Ebinger voting no. Reps. Jore and McGillvray voted by proxy.

02:04:46 **Motion:** Rep. Ward moved that **SB 96 BE CONCURRED IN AS AMENDED.**

02:05:15 **Motion:** Rep. Rice moved that **SB 96 BE AMENDED.**

**EXHIBIT**(juh71a07)

**Discussion:**

02:05:44 Mr. Niss  
02:07:39 Rep. Peterson  
02:08:14 Rep. Rice  
02:08:49 Rep. Peterson

02:09:39 **Vote:** Motion that **SB 96 BE AMENDED** carried 12-5 by voice vote with Reps. Gallik, French, Raser, Ebinger and Driscoll voting no. Rep. Jore and McGillvray voted by proxy.

02:10:01 **Motion:** Rep. Stoker moved that **SB 96 BE CONCURRED IN AS AMENDED.**

02:10:18 **Motion:** Rep. Koopman moved that **SB 96 BE AMENDED.**  
[EXHIBIT\(juh71a08\)](#)

**Discussion:**

02:12:54 Rep. French  
02:13:55 Rep. Koopman  
02:14:46 Rep. Gallik  
02:16:17 Rep. Kottel  
02:17:49 Rep. Ebinger  
02:18:08 Rep. Koopman

02:20:07 **Vote:** Motion that **SB 96 BE AMENDED** carried 10-7 by voice vote with Reps. French, Cordier, Raser, Driscoll, Kottel, Gallik, and Ebinger voting no. Reps. Jore and McGillvray voting no.

02:20:37 **Motion:** Rep. Stoker moved that **SB 96 BE CONCURRED AS AMENDED.**

**Discussion:**

02:20:55 **Motion:** Rep. Kottel moved that **SB 96 BE AMENDED.**  
[EXHIBIT\(juh71a09\)](#)

02:22:38 Rep. Kottel withdrew amendment.

02:23:15 **Motion:** Rep. Stoker moved that **SB 96 BE AMENDED.**  
[EXHIBIT\(juh71a10\)](#)

02:24:02 **Vote:** Motion that **SB 96 BE AMENDED** carried 13-4 by voice vote with Reps. French, Ebinger, Gallik, and Raser voting no. Reps. Jore and McGillvray voted by proxy.

02:24:24 **Motion:** Rep. Ward moved that **SB 96 BE CONCURRED IN AS AMENDED.**



**Discussion:**

02:24:39 **Motion:** Rep. Peterson moved a **CONCEPTUAL AMENDMENT FOR PAGE 20, NEW SECTION; LINE 4, STRIKE AFTER DISTRICT COURT "IN AN" INSERT "OF THE", STRIKE "LEWIS AND CLARK COUNTY ", INSERT "THE QUALIFIED ELECTOR".**

02:25:55 Rep. Rice

02:26:57 **Vote:** Motion that **SB 96 BE AMENDED** carried by voice vote with Reps. with Reps. French, Raser, Cordier, Driscoll, Kottel, Ebinger, Gallik. Reps. Jore and McGillvray voted by proxy.

02:27:17 **Motion:** Rep. Stoker moved that **SB 96 BE CONCURRED IN AS AMENDED.**

**Discussion:**

02:27:39 Rep. Koopman

02:27:58 Rep. Raser

02:29:06 Rep. Everett

02:29:26 Rep. Gallik

02:29:50 **Vote:** Motion that **SB 96 BE CONCURRED IN AS AMENDED** carried 10-7 by roll call vote with Reps. Gallik, French, Raser, Cordier, Driscoll, Ebinger, and Jore voting no. Reps. Jore and McGillvray voted by proxy. Rep. Rep. Olson to carry on House Floor.

**EXECUTIVE ACTION ON SB 110**

02:30:51 **Motion:** Rep. Stoker moved that **SB 110 BE CONCURRED IN.**

**Discussion:**

02:31:09 Rep. Rice

02:32:01 Rep. French

02:32:25 Rep. Ebinger

02:32:41 Rep. Peterson

02:32:56 Rep. Stoker

02:33:44 **Vote:** Motion that **SB 110 BE CONCURRED IN** failed 8-9 by roll call vote with Reps. Gallik, French, Raser, Cordier, Driscoll, Peterson, Kottel, and Ebinger voting aye. Reps. French and Jore voted by proxy.

02:34:29 **Motion/Vote:** Rep. Stoker moved that **SB 110 BE TABLED AND THE VOTE REVERSED**. Motion carried by voice vote.  
Rep. Jore and French voted by proxy

02:34:58 Rep. Driscoll

**EXECUTIVE ACTION ON SB 254**

02:35:20 **Motion:** REP. STOKER moved that **SB 254 BE CONCURRED IN**.

**Discussion:**

02:35:33 Rep. Stoker

02:36:09 Rep. Raser

02:37:29 Rep. Ward

02:38:22 **Vote:** Motion that **SB 254 BE CONCURRED IN** failed 7-10 by roll call vote with Reps. French, Raser, Cordier, Driscoll, Kottel, Ebinger, Gallik voting aye. Reps. French and Jore voted by proxy.

02:39:09 **Motion/Vote:** Rep. Stoker moved that **SB 254 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote. Rep. French and Jore voted by proxy.

**EXECUTIVE ACTION ON SB 326**

02:39:38 **Motion:** Rep. Stoker moved that **SB 326 BE CONCURRED IN**.

02:39:54 **Motion:** Rep. Peterson moved that **SB 326 BE AMENDED**.  
[EXHIBIT\(juh71a11\)](#)

**Discussion:**

02:41:07 Rep. Peterson

02:41:10 Rep. Kottel

02:42:45 **Vote:** Motion that **SB 326 BE AMENDED** failed 5-12 by voice vote with Reps. Stoker, Kerns, Jore, Peterson, O'Hara voting aye. Rep. Jore voted by proxy.

**Discussion:**

02:43:24 Rep. Kerns

02:43:56 Rep. Peterson

02:44:47 **Vote:** Motion that **SB 326 BE CONCURRED IN** failed 5-12 by roll call vote with Reps. Gallik, Raser, Cordier, Driscoll, and Kottel voting aye. Rep. Jore voted by proxy.

02:44:50 **Motion/Vote:** Rep. Stoker moved that **SB 326 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote. Rep. Jore voted by proxy.

02:45:21 Rep. Ebinger

**EXECUTIVE ACTION ON SB 393**

02:45:43 **Motion:** Rep. Stoker moved **SB 393 BE CONCURRED IN**.

02:45:58 **Motion:** Rep. Peterson moved that **SB 393 BE AMENDED with a CONCEPTUAL AMENDMENT FOR LINES 19 AND 20**.

**Discussion:**

02:47:02 **Motion:** Rep. Peterson withdrew the Conceptual Amendment and moved that **SB 393 BE AMENDED**.

**EXHIBIT(juh71a12)**

**Discussion:**

02:49:02 Rep. Gallik  
02:49:33 Rep. Peterson  
02:49:51 Rep. O'Hara  
02:50:25 Rep. Stoker  
02:51:48 Rep. Peterson

02:52:10 **Vote:** Motion that **SB 393 BE AMENDED** carried 9-8 by voice vote with Reps. Gallik, Rice, Everett, Koopman, Driscoll, O'Hara, Ebinger, and Jore voting no. Rep. Jore voted by proxy.

02:52:54 **Motion:** Rep. Stoker moved that **SB 393 BE CONCURRED IN AS AMENDED**.

02:53:02 **Motion:** Rep. Driscoll moved that **SB 393 BE AMENDED**.  
**EXHIBIT(juh71a13)**

**Discussion:**

02:54:09 Rep. Driscoll  
02:54:20 Rep. Gallik  
02:54:44 Rep. Driscoll

02:54:47 **Vote:** Motion that **SB 393 BE AMENDED** carried 13-4 by voice vote with Reps. Peterson, Ebinger, Gallik, and McGillvray voting no. Rep. Jore voted by proxy.

02:55:09 **Motion:** Rep. Stoker moved that **SB 393 BE CONCURRED IN AS AMENDED.**

02:55:23 **Motion:** Rep. Koopman moved a **CONCEPTUAL AMENDMENT for PAGE 1, LINE 17; CHANGE "DELETE" TO "SHALL", IN TITLE, CHANGE "REQUIRING" TO "ALLOWING".**

**Discussion:**

02:56:20 Rep. French

02:56:29 Mr. Niss

02:57:23 Rep. Driscoll

02:57:37 Rep. Kottel

02:58:35 Rep. Koopman withdrew the Conceptual Amendment.

**Discussion:**

02:58:42 Rep. Stoker

02:58:56 **Vote:** Motion that **SB 393 BE CONCURRED IN AS AMENDED** carried 11-6 by roll call vote with Reps. Everett, Koopman, Kerns, McGillvray, Jore, and Rice voting no. Rep. Jore voted by proxy. Rep. Raser to carry on House Floor.

**EXECUTIVE ACTION ON SB 424**

03:00:33 **Motion:** Rep. Stoker moved that **SB 424 BE CONCURRED IN. [EXHIBIT\(juh71a14\)](#)**

03:00:41 **Motion/Vote:** Rep. Stoker moved that **SB 424 BE AMENDED.** Motion carried unanimously by voice vote. Rep. Jore voted by proxy

03:03:34 **Motion/Vote:** Rep. Stoker moved that **SB 424 BE CONCURRED IN AS AMENDED.** Motion carried by voice vote with Rep. Kerns voting no. Rep. Jore voted by proxy. Rep. Kottel to carry on House Floor.

**EXECUTIVE ACTION ON SB 433**

03:03:45 **Motion:** Rep. Stoker moved that **SB 433 BE CONCURRED IN.**

03:04:11 **Motion:** Rep. McGillvray moved that **SB 433 BE AMENDED.**  
**EXHIBIT(juh71a15)**

**Discussion:**

03:04:49 **Vote:** Motion that **SB 433 BE AMENDED** carried 16-1 by voice vote with Rep. Peterson voting no. Reps. Koopman, Jore and O'Hara voted by proxy.

03:05:17 **Motion:** Rep. McGillvray moved that **SB 433 BE CONCURRED IN AS AMENDED.**

**Discussion:**

03:05:25 Rep. Ebinger  
03:05:59 Rep. Gallik  
03:06:10 Rep. Ward  
03:07:27 Rep. Peterson

03:07:49 **Vote:** Motion that **SB 433 BE CONCURRED IN AS AMENDED** carried unanimously by roll call vote. Rep. O'Hara and Koopman voted by proxy. Rep. Peterson to carry on House Floor.

**EXECUTIVE ACTION ON SB 437**

03:09:45 **Motion:** Rep. Stoker moved that **SB 437 BE CONCURRED IN.**

03:09:54 **Motion:** Rep. Raser moved that **SB 437 BE AMENDED.**  
**EXHIBIT(juh71a16)**

**Discussion:**

03:10:48 Rep. Raser  
03:14:03 Rep. French  
03:15:13 Rep. Kottel  
03:15:35 Mr. Niss  
03:16:01 Rep. Raser  
03:16:34 Rep. French  
03:16:41 Rep. Stoker  
03:16:53 Rep. Peterson

03:17:25 **Vote:** Motion that **SB 437 BE AMENDED** failed 1-16 by voice vote with Rep. Raser voting aye. Reps. Koopman and O'Hara voted by proxy.

**Discussion:**

03:17:56 Rep. French  
03:18:16 Rep. Stoker  
03:18:46 Rep. Everett  
03:19:07 Rep. Rice  
03:19:49 Rep. Peterson

03:20:09 **Vote:** Motion that **SB 437 BE CONCURRED IN** failed 0-17 by voice vote. Reps. Koopman and O'Hara voted by proxy.

03:20:23 **Motion/Vote:** Rep. Stoker moved that **SB 437 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote. Rep. Koopman voted by proxy vote.

**EXECUTIVE ACTION ON SB 125**

03:21:11 **Motion:** Rep. Stoker moved that **SB 125 BE CONCURRED IN**.

03:21:43 **Motion:** Rep. French moved that **SB 125 BE AMENDED**.  
[EXHIBIT\(juh71a17\)](#)

**Discussion:**

03:24:02\_\_Mr. Niss  
03:24:54 Rep. French  
[EXHIBIT\(juh71a18\)](#)  
03:25:14 Rep. Kottel

03:26:43 **Substitute Motion/Vote:** Rep. Stoker made a substitute motion that **SB 125 BE TABLED**. Substitute motion carried 12-5 by roll call vote with Reps. Gallik, Raser, Driscoll, O'Hara, and Kottel voting no.

**EXECUTIVE ACTION ON SB 142**

03:27:57 **Motion:** Rep. Stoker moved that **SB 142 BE CONCURRED IN**.

**Discussion:**

03:28:56 Rep. French  
03:30:33 Rep. Stoker  
03:31:32 Rep. Ward  
03:32:05 Rep. Rice  
03:32:18 Rep. Peterson

03:32:52 Rep. Raser  
03:33:39 Rep. French  
03:34:21 Rep. Cordier

03:34:39 **Vote:** Motion that **SB 142 BE CONCURRED IN** failed 8-9 by roll call vote with Reps. Gallik, French, Raser, Cordier, Driscoll, Kottel, Ward, and Ebinger voting aye.

03:35:32 **Motion/Vote:** Rep. Stoker moved that **SB 142 BE TABLED AND THE VOTE REVERSED**. Motion carried by voice vote.

**EXECUTIVE ACTION ON SB 142**

03:35:46 **Motion/Vote:** Rep. Raser moved to **RECONSIDER THE MOTION on SB 142**. Motion failed 8-9 by roll call vote with Reps. Gallik, French, Raser, Cordier, Driscoll, Kottel, Ward, and Ebinger voting aye.

03:36:00 Rep. Cordier

**HEARING ON SB 337 CONTINUED**

03:38:11 Chairman Rice closed hearing on SB 337 from previous hearing of 3/26/07

03:38:21 Rep. Peterson  
03:39:42 Rep. Driscoll  
03:39:59 Rep. Rice  
03:41:39 Rep. French  
03:42:14 Rep. Rice  
03:43:33 Rep. Stoker  
03:45:37 Rep. Driscoll  
03:46:28 Rep. Rice  
03:47:02 Rep. Gallik  
03:47:49 Rep. Rice  
03:48:27 Rep. Peterson

**EXECUTIVE ACTION ON SB 337**

03:49:20 **Motion:** Rep. Stoker moved that **SB 337 BE CONCURRED IN**.

**Discussion:**

03:49:42 Rep. Kottel  
03:52:19 Rep. Rice

03:53:00 **Motion:** Rep. Driscoll moved that **SB 337 BE AMENDED**.  
**EXHIBIT(juh71a19)**

03:54:18 **Vote:** Motion that **SB 337 BE AMENDED** carried 16-1 by voice vote with Rep. Kerns voting no. Rep. Koopman voted by proxy.

03:54:30 **Motion:** Rep. Stoker moved that **SB 337 BE CONCURRED IN AS AMENDED.**

**Discussion:**

03:54:43 Rep. Gallik

03:55:06 Mr. Niss

03:56:13 **Motion:** Rep. Gallik moved that **SB 337 BE AMENDED with AMENDMENT FROM HEARING 3/26/07 FOR PURPOSES OF DISCUSSION.**

**Discussion:**

03:56:27 **Substitute Motion/Vote:** Rep. Gallik moved **TO SEGREGATE PARAGRAPHS 1, 2, 4, 5 FROM AMENDMENT.** Motion carried unanimously by voice vote. Rep. Koopman voted by proxy.

**Discussion:**

03:58:00 Mr. Niss

03:59:16 **Motion/Vote:** Rep. Rice moved to adopt **SEGREGATED PARAGRAPHS 1, 2, 4, 5.** Motion carried unanimously by voice vote. Rep. Koopman voted by proxy.

03:59:31 **Motion:** Rep. Gallik moved that **SB 337 BE CONCURRED IN AS AMENDED.**

**Discussion:**

03:59:38 Rep. French

04:00:19 Rep. Gallik

04:01:40 Rep. Ebinger

04:02:14 Russell Doty, Green Electricity Buying Cooperative

04:03:09 Rep. Rice

04:03:18 Mr. Doty

04:05:02 Rep. French

04:05:16 Mr. Doty

04:05:45 Rep. Kottel

04:06:43 Rep. French

04:07:09 Rep. Gallik



04:07:47 **Substitute Motion/Vote:** Rep. Everett made a substitute motion that **SB 337 BE TABLED**. Substitute motion failed 8-9 by roll call vote with Reps. Stoker, Everett, Koopman, Kerns, O'Hara, McGillvray, Jore, and Rice voting aye. Rep. Koopman voted by proxy.

**Discussion:**

04:09:35 Rep. Gallik  
04:10:06 Rep. Stoker  
04:10:34 Rep. Raser  
04:11:15 Rep. McGillvray  
04:11:32 Rep. Rice  
04:12:04 Rep. McGillvray  
04:12:50 Rep. Raser  
04:13:16 Rep. McGillvray  
04:13:20 Rep. Gallik  
04:14:21 Rep. Ebinger  
04:15:07 Rep. Stoker

04:16:20 **Substitute Motion/Vote:** Rep. McGillvray made a substitute motion that **SB 337 BE TABLED**. Substitute motion carried 10-7 with Reps. Gallik, French, Raser, Driscoll, Kottel, and Ebinger voting no. Rep. Koopman voted by proxy vote.

**Committee Business:**

04:17:39 Rep. Rice  
04:17:48 Rep. Raser

**Additional Exhibits Received:**

SB 337  
[EXHIBIT\(juh71a20\)](#)  
SB 49  
[EXHIBIT\(juh71a21\)](#)

**ADJOURNMENT**

Adjournment: 12:18 P.M.

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REP. DIANE RICE, Chairman

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PAM SCHINDLER, Secretary

DR/ps